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October 20, 1999

City Council  
Sacramento, California

PASSED FOR  
PUBLICATION  
& CONTINUED  
TO November 2, 1999

Honorable Members in Session:

**SUBJECT:** Ordinance Establishing the Old Sacramento Collection District

**LOCATION AND COUNCIL DISTRICT:** Old Sacramento Historic District,  
Council District 1

**RECOMMENDATION:**

It is recommended that the item be passed for publication of title and continued to November 2, 1999.

**CONTACT PERSON:** Ed Astone, Old Sacramento Town Manager, 264-8209

**FOR COUNCIL MEETING OF:** October 26, 1999

**SUMMARY:**

This item is presented at this time for approval of publication of title pursuant to City Charter, Section 32.

**BACKGROUND INFORMATION:**

Prior to publication of an item in a local paper to meet legal advertising requirements, the City Council must first pass the item for publication. The City Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date.

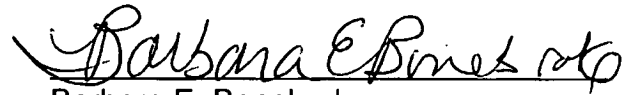
Respectfully submitted,



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Ed Astone,  
Old Sacramento Town Manager

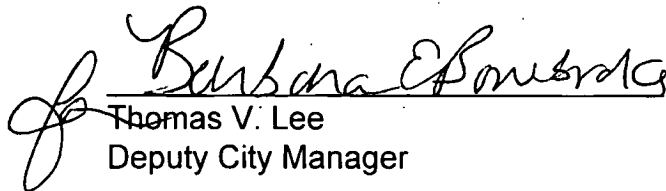
APPROVED:

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Barbara E. Bonebrake  
Downtown Department Manager

RECOMMENDATION APPROVED:

APPROVED:

  
Robert P. Thomas  
City Manager

  
Thomas V. Lee  
Deputy City Manager

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

## AN ORDINANCE AMENDING TITLE 19 OF THE SACRAMENTO CITY CODE, TO ADD CHAPTER 19.07 RELATING TO COLLECTION OF GARBAGE, REFUSE AND RUBBISH IN OLD SACRAMENTO

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

### SECTION 1.

Title 19 of the Sacramento City Code is amended to add Chapter 19.07 to read as follows:

#### **Chapter 19.07. Old Sacramento Collection District**

##### **19.07.701 Purpose and findings.**

(a) The purpose of this chapter is to provide an effective and efficient integrated solid waste management system for the area comprising the District, including solid waste collection, recycling and waste management for Special Events programs.

(b) The City Council finds that the current method of providing solid waste services in the District, which consists of open competition, has resulted in:

(i) increased difficulty in holding businesses accountable for adequate services due to multiple providers in combination with sharing of services by many businesses;

(ii) inadequate services has led to increased litter in alleyways, crowding of bins, and increased noxious odors, all of which have a deleterious effect upon economic development in the District, as well as endangering the public health and safety;

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(iii) some providers of current service have refused to accommodate business requests for recycling opportunities, which in turn is contrary to adopted city policies fostering and promoting recycling efforts.

(c) The City Council further finds that the needs of the District, and its business community, are best served by establishment of a franchise for the provision of Collection Services within the District, to provide the following:

(i) upon completion of the procedures specified in this chapter, a single Contractor will be granted the exclusive right to provide Collection Service within the District; and

(ii) having a single Contractor for provision of Collection Service within the District will facilitate adequate service for all customers, resulting in cleaner streets, reduced litter, less vectors and mitigation of noxious odors, in turn promoting economic development within the District, furtherance of adopted city policies regarding recycling, and promoting the public health, safety and welfare.

(d) The City Council further finds that selection of a Contractor for the provision of Collection services within the District will facilitate implementation of an integrated waste management system for the District, including but not limited to the implementation of the following programs:

(i) Collection Services related to Special Events held within the District;

(ii) recycling programs in compliance with Solid Waste Authority Ordinance Number 2; and

(iii) a reduction in the numbers of dumpsters required to provide adequate service due to consolidation of Collection Services under one Contractor.

**19.07.702 Definitions.**

The following terms shall have the meaning ascribed to them in this section when used in this chapter:

(a) **“Old Sacramento Collection District”** or **“District”** means that area located in the City of Sacramento, and consisting of the area described as follows:

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Beginning at the intersection of the center line of I Street and the center line of 2nd Street; thence easterly along the center line of I Street to the westerly right-of-way line of Interstate 5 Freeway; thence southerly along said right-of-way line to the point of intersection with the northerly right-of-way line of Neasham Circle; thence westerly along said northerly right-of-way line of Neasham Circle to the center line of Front Street (formerly The Embarcadero); thence northerly along the center line of Front Street to the intersection of the center line of J Street; thence easterly along the center line of J Street to the intersection of the center line of the alley in the block bounded by I, J, 2nd, Front Streets; thence northerly along the center line of said alley to the intersection of the center line of I Street; thence easterly along the center line of I Street to the point of beginning.

(b) **“Contractor”** means the person, firm or entity selected by and through the procedures specified in this chapter to provide Collection Service on an exclusive basis to Owners and Tenants within the Old Sacramento Collection District. The City of Sacramento Division of Solid Waste may, if selected pursuant to the provisions of this chapter, be the Contractor.

(c) **“Collection Service”** means garbage, rubbish or refuse Collection Service to any Owner or Tenant in the Old Sacramento Collection District. **“Collection Service”** shall also mean and include collection of District garbage, waste or refuse relating to Special Events occurring in Old Sacramento.

( ) **“Current Collection Service Provider”** means a person, firm or entity: i) lawfully possessing a current and valid private refuse collector’s permit issued pursuant to Section 19.01.107(d) and 19.01.111 of Title 19 of the City Code or a private collector’s permit issued pursuant to Solid Waste Authority Ordinance No. 1, as amended from time to time; and ii) lawfully providing collection services to any Owner or Tenant within the Old Sacramento Collection District on the effective date of the ordinance enacting this Chapter.

(d) **“Owner”** means the Owner of property in the Old Sacramento Collection District receiving service in accordance with this title.

(e) **“Tenant”** means the occupant, where different than the Owner, of any property receiving Collection Service in the Old Sacramento Collection District in accordance with this title.

All other terms used in this chapter shall have the same meaning as provided elsewhere in this title.

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**19.07.703 District established.**

There is hereby established the Old Sacramento Collection District.

**19.07.704 Collection Service for District.**

(a) General: Notwithstanding any other provision of this title, and except as provided in Section 19.07.708 below, Collection Service for Owners and Tenants within the District shall be provided exclusively by the Contractor selected pursuant to the procedures specified in this chapter. Accordingly, from and after the effective date of the Collection Services agreement required by Section 19.07.706:

(i) No person, firm or entity who is not the Contractor shall collect garbage, rubbish or refuse of any type within the District; and

(ii) No Owner or Tenant within the District shall solicit Collection Service from, or enter into any contract with a provider of Collection Services who is not the Contractor.

Nothing in this chapter shall be construed to grant the Contractor the exclusive right to collect recyclables within the District; provided, however, that in the event that the laws of the State of California are amended to allow the city to grant an exclusive right to collect recyclables, the City Manager shall have the authority to amend any agreement with the Contractor to provide for such rights.

**Sec. 19.07.705 Existing Providers' Right to Continue Providing Collection Services for a Limited Term**

(a) General: Pursuant to Section 49520 of the Public Resources Code, a Current Collection Service Provider may continue to provide collection services within the District for a period of five (5) years from the date that the City provides notice to the Current Collection Service Provider, pursuant to Section 49520, of the exclusive franchise established by this Chapter for providing collection services within the Old Sacramento Collection District.

(b) Duties and Obligations: A Current Collection Service Provider who continues to provide collection services within the Old Sacramento Collection District shall i) possess and maintain a current and valid private refuse collector's permit issued pursuant to Section 19.01.107(d) and 19.01.111 of this Title 19 or a private collector's permit issued pursuant to Solid Waste Authority Ordinance No. 1, as amended from time to time; ii) comply with the terms and conditions and requirements of its private refuse collector's

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permit or private collector's permit; and (iii) comply with the requirements of this Title 19, including but not limited to the provisions concerning frequency and quality of service, as they may be amended from time to time.

(c) Rates: Pursuant to this Chapter , the City intends to enter into a Collection Services agreement with a single Contractor to provide collection services within the Old Sacramento Collection District. Pursuant to this agreement, the Contractor will be authorized to charge specified fees and charges to Owner(s) and Tenant(s) within the District for collection services. Pursuant to Section 49521 of the Public Resources Code, Current Collection Service Providers continuing to provide collection services pursuant to (a) above and Section 49520 of the Public Resources Code may be required by the City to charge rates that are comparable to those established by the agreement.

(i) Upon execution of the Collection Services agreement with a single Contractor, the City Council may, by resolution, establish comparable rates and charges to be charged by Current Collection Service Providers. Notice of the adoption of the resolution and the comparable rates shall be given to each of the Current Collection Service Providers, who shall, within sixty (60) days, adjust rates and charges to the extent necessary to be consistent with the Council approved rates and charges.

(ii) Should the City Council establish comparable rates pursuant to this provision, if and when the City Council amends the rates and charges which the single Contractor is authorized to charge under the Collection Services agreement, it shall also amend the rates and charges which the Current Collection Services Providers may charge so they are comparable to the amended rates and charges which the single Contractor is authorized to charge.

**19.07.706 Procedures for selection of Contractor.**

The following procedures shall be employed for the selection of the Contractor:

(a) The city manager shall prepare and submit to the City Council for its approval a request for proposals to provide Collection Service to the Old Sacramento Collection District. In developing the request for proposals, the city manager shall meet and confer with the Old Sacramento Management Board for purposes of obtaining its review and comment.

(b) The request for proposals shall include, but not be limited to the following:

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(i) a detailed specification of the scope of services to be provided including but not limited to recycling services for business and residences in strict conformance with Solid Waste Authority Ordinance No. 2 and a requirement that each proposer submit an integrated waste management plan that maximizes all feasible waste diversion;

(ii) a detailed cost proposal form;

(iii) a request for background and qualifications to provide Collection Service;

(iv) a request for detailed criminal history (1) of each person, firm or entity who submits a response to the request for proposals; and (2) where the proposer is a firm or an entity, of each person who owns ten percent (10%) or more of the shares of stock of a corporate entity proposer, or ten percent (10%) or more of the assets of the proposing firm, or ten percent (10%) or more of the interests of a partnership entity proposer;

(v) an authorization to be signed by each person, firm or entity who submits a response to the request for proposals, and each person who under subsection (iv) is required to submit criminal history information, to allow the Chief of Police to conduct a criminal history check with the cost thereof to be paid for by such person, firm or entity;

(vi) requirements for compliance with the city's minority and woman business enterprise policies and procedures;

(vii) a copy of the Collection Services agreement form, as developed by the city manager and approved by the city attorney, which the Contractor will be required to execute as a condition of providing Collection Service within the District, which agreement shall contain, without limitation, at least the following: comprehensive nondiscrimination provisions; a term for the number of years specified in the request for proposals with provisions for renewal at the sole discretion of the City Council; performance standards; provisions for termination by the city for default in performance; provisions for adjustment of rates; provisions for discretionary termination of the agreement by the city; provisions for payment of a fee to the city in such amounts as required to defray any city cost associated with agreements between the city and Old Sacramento Management Board for the provision of administrative services relating to the District; provisions setting forth the responsibilities of the Old Sacramento Management Board with respect to administration of the Collection Services agreement, and provisions for signature of the agreement by said Board; provisions relating to insurance, including but not limited to comprehensive liability and workers compensation; provisions approved by the city attorney for indemnification of the city and its officers, employees, Contractors and agents; provisions relating to recycling services for businesses and residences in strict

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conformity with Solid Waste Authority Ordinance No. 2; and provisions for management of customer complaints and requests; and

(viii) a request for any other information required by the city manager to be provided by each person, firm or entity who responds to the request for proposals.

(c) The city manager shall, upon approval of the request for proposals by the City Council, request that the city clerk issue a notice to proposers of the availability of the request for proposals, by advertising at least once not less than 30 calendar days before the date the proposals are due, in one or more daily or weekly newspapers, trade association publications, trade journals, minority and woman oriented trade journals, or other media available to minority or woman owned business enterprises. Nothing in this subsection (c) shall preclude the city manager from using additional methods to invite proposals.

(d) All proposals shall be sealed, identified as proposals on the envelope, and shall be submitted to the city clerk at the place and time specified in the notice to proposers. Proposals shall be opened by the city clerk or designee, in public, at the time and place designated in the notice to proposers. Proposals received after the time so specified shall not be accepted and shall be returned unopened to the person, firm or entity submitting such late proposal.

(e) In evaluating proposals, the city manager shall convene a panel of evaluators, which shall at a minimum include the city manager or designee, a member or designee of the Old Sacramento Management Board, and the manager of the City's Old Sacramento Management Division. Utilizing criteria specified in the request for proposals, the panel shall evaluate and score the proposals, and shall upon completion of the evaluation process provide a written recommendation to the City Council as to the responsible and qualified proposer whose proposal provides Collection Service at the lowest cost. A written notice of the panel's recommendation shall be provided to all proposers. Except as provided otherwise in this section, the City Council shall, within the time specified in the request for proposals, select as the Contractor the responsible and qualified proposer whose proposal provides Collection Service at the lowest cost.

(f) The City Council may reject all proposals, and may thereafter instruct the city manager to take such further action as the council shall direct, including but not limited to engaging in negotiations with one or more firms, persons or entities, or issuing a revised request for proposals in accordance with the procedures specified in this chapter. The City Council may also, in its discretion, waive any minor irregularities contained in a proposal.

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(g) Notwithstanding any other provision of this Section, the City Council may, upon finding that it is in the best interests of the city and upon a vote of two-thirds of the council, waive the competitive process required by this chapter and may instruct the city manager to take such further action as the council shall direct, including but not limited to engaging in negotiations with one or more firms, persons or entities, or engaging in such other process as the council may specify.

(h) Protests made by any person, firm or entity to any action taken by the city manager or the City Council pursuant to the provisions of this chapter shall be made pursuant to the bid protest procedures set forth in chapter 58.10 of this code. Compliance with such procedures shall be an administrative remedy which any protesting person, firm or entity shall be required to follow. The notice to proposers shall contain the information required by section 58.10.1011 of this code. The written notice to proposers provided pursuant to section 19.07.705(e) shall constitute the written notice to bidders that is provided for in section 58.10.1005 of this code.

**19.07.707 Confidentiality of Proposals.**

Proposals and accompanying information received from proposers shall be and remain confidential, and shall not be construed to be public records, until full and final completion of the procedures specified in Section 19.07.705. In the event that a proposer claims that information submitted with a proposal is or contains proprietary information, confidential information, or information which constitutes a trade secret, the proposer shall clearly mark "confidential" on that portion of the proposal claimed to be proprietary, confidential, or trade secret information. In the event that the city receives a request made pursuant to the Public Records Act for such information, the proposer shall execute an agreement meeting the approval of the city attorney, which provides for defense and indemnification of the city in any action brought pursuant to that Act. If the proposer fails to execute such an agreement within the time specified by the city attorney, the material shall be deemed to be a public record.

**19.07.708 Liability for payment of fees.**

Each Owner and Tenant within the District shall pay to the Contractor the fees and charges authorized by the Collection Services agreement. Collection of the fees and charges shall be the exclusive responsibility of the Contractor. The city shall have no obligation to engage in any action with respect to such fees and charges, and the procedures and remedies for delinquent solid waste fee collection specified in this title shall not apply to the Contractor. Provided, however, that if the city solid waste division is the Contractor, then the provisions of this title relating to collection of fees and charges shall apply.

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**19.07.709 Application of regulatory provisions.**

Nothing in this chapter shall be construed to render inapplicable the regulatory provisions of this title.

**19.07.710 Administration by Old Sacramento Management Board.**

The City Council may enter into an agreement with the Old Sacramento Management Board for the purpose of providing administrative services relating to the Collection Services agreement and other matters involving the business of the District. Said agreement may include provisions allowing for initiation of enforcement actions by the Board.

**19.07.711 Violations; administrative penalties.**

In addition to any other remedies and penalties set forth in this title, the remedies specified in Title 1 of this code, including but not limited to administrative penalties may be imposed pursuant to section 1.01.07 of this code, against any person, firm or entity who violates the provisions of this chapter. The amount of the administrative penalty shall be one hundred dollars (\$100.00) for the first violation, two hundred dollars (\$200.00) for a second violation within any 12-month period, and five hundred dollars (\$500.00) for any subsequent violations within any 12-month period.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

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MAYOR

ATTEST:

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CITY CLERK

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